

Ag Video Conference Notes
February 18, 2009
9 a.m.

Present: Gene Tinker, Eric Wiklund, Jeff Vansteenburgh, Cindy Martens, Ken Hessenius, Paul Petitti, Nate Young, Randy Clark, Bob Palla, Karen Grimes, Ted Petersen, Jeff Theobald, Josh Sobaski, Jim Sievers and Dennis Ostwinkle.

FOs are reminded to start sending letters to combined facilities that did not submit an NPDES permit asking them to submit a permit application or a note stating they do not propose to discharge.

-These are facilities we are aware of. Letter was created by Dan O. and Bill Gibbons and was sent out to FOs previously. FOs are encouraged to start sending out these letters. Be sure to remember the livestock (sales) facilities in your regions as well.

45-day Reminder Letters Ken told us that the 45-day reminder letters for MMP updates will be eliminated over the next year. Producers will receive one last reminder letter this year. Along with this, the **MMP approval letter** has been eliminated beginning this month. Elimination of these 2 items will save countless hours of staff time as well as postage, paper, envelopes, etc.

MAC Training AFO staff should try to attend a confinement site MAC training in their area if possible. They are winding down, so check the schedule soon.

Livestock Odor Mitigation Evaluation Certificate (LOMEC) for construction permits. This was an addition made to Iowa Code 459.303, subsection 3 “d” stating that a new construction permit requires a LOMEC, with a few exceptions. Randy explained to us that the exceptions include the applicant stating that they can not get an evaluation or that the entity doing this evaluation, in this case ISU, is not doing these as there is no funding for it at this time. If the funding status changes then the LOMEC will be required for new construction permit.

Small open lots we were reminded that there is money in our budgets to work with small open lots and each office should be doing this. It is up to each office as to how they would like to prioritize the visits. The small open lot committees are still meeting, but there is no work plan at this time.

MMP Inspections and Tic Sheets be sure to enter all the MMP inspections that you do on your monthly tic sheet. These would be under #61 for field inspections and #62 for in-house technical reviews for new construction. It appears that staff are underreporting these numbers to their AAs as in a few cases there are very minimal numbers or even zeros when reported to Londa for tracking. Be especially aware of remembering your in-house reviews for new construction.

Clarification of 100-lb. limit for soybeans as it applies to a SAFO which is part of an NPDES permit...

From Gene: Just to clarify – the confinement would need to comply with the 100-lb. limit on N application from manure for soybeans IF the operation has an NPDES permit. Once an NPDES permit is required, it needs to cover all animals in the operation and therefore the NMP for the NPDES permit needs to include the confinement facility as well. If the operation does NOT get an NPDES permit but develops an NMP because the size of the open feedlot facility is greater than 1000 AUs, then the confinement would not need to be included in the NMP and therefore the manure from the confinement would not be limited to 100 lbs.

200 A and Proposed Manure Application on Frozen/Snow Ground Reminder that this is just a proposed rule and may be changed during the rule making process. As it is now this rule would not apply to manure sold under 200A unless runoff enters a State of IA water. This is because the 200A substitutes for their MMP and because our rules overlap with IDALS in this case. Randy hopes that a sentence will be added to this rule package to clarify this.

One year to start construction FO s are reminded that permitted and unpermitted (MMP size) facilities have one year to start construction. If construction has not begun within the year they must resubmit their application, MMP and fees. This is in the permitted site rules and is stated in the construction letter we send to unpermitted sized facilities. Sara has added it to the engineering construction rule changes that are out for review at this time.

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Manure application in road ditches-this continues to be an issue for FOs. If this is an MMP-sized facility it must be in their MMP and must be cropped as the rules state application at an agronomic rate for crop nutrient uptake. The county has the easement for this property and should be up to the county if it is a problem or not. At this time a SAFO doesn't have the MMP restrictions so they can legally do this if the county doesn't have any problems with ditch application. This is another item that will be added to the rule package to include SAFOs in the regulations.

NPDES Permitting

A long discussion was had regarding IA and EPA interpretations of this program in regards to combined open/confined sites. Several examples were given and views were differing about whether they would need permitting or not. I will send out the information on this discussion at a later date when these items are clarified.

Submitted by Cindy Martens